

REMARKS/ARGUMENTS

Summary of Changes Made

The application was filed with 14 claims. A preliminary amendment canceled claims 12-14. Presently, claims 1, 8, 9, and 11 are amended. Claim 1 is amended for clarity, claims 8 and 9 are amended to convert “use” claims into “method” claims, while claim 11 is amended for clarity. New claims 15-17 are added to capture subject matter amended out of claims 8, 9, and 11, and for clarity. A terminal disclaimer is filed herewith. Accordingly, claims 1-11 and 14-17 (15 claims) remain pending in the application. No new matter has been added.

Claim Rejections – 35 U.S.C. §§ 101, and 112, second paragraph

The Examiner has rejected claims 8 and 9 as directed to non-statutory subject matter under 35 U.S.C. 101, and as indefinite under 35 U.S.C. § 112, second paragraph. The Examiner contends that the claims, styled as use claims, relate to non-statutory subject matter under § 101, and are unclear, as no positive process steps are set forth, under § 112.

The Examiner will note that claims 8 and 9 have each been amended to recite a process including at least one process step.

Applicants respectfully submit that the amendments overcome the rejections of claims 8 and 9 under both section 101 and section, and request withdrawal of the rejection.

Claim Rejections – Non Statutory Double Patenting – (Lange)

Claims 1-20 are provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 1-5 and 7 -14 of commonly owned copending U.S. App. Ser. No. 10/533,769 to Lange, et al., (“Lange”). The Examiner contends that there is substantial overlap between the inventions.

The Examiner will note that a terminal disclaimer with respect to the copending application No. 10/533,769 has been filed herewith. Thus the provisional rejection is believed moot.

Claim Objections

The Examiner objects to claims 1-11 because the proviso in claim 1 stating that the Q radicals are trivalent is at odds with the representations of such Q radicals earlier in the claim, showing that they must be divalent.

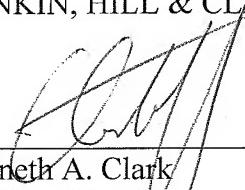
The Examiner will note that claim 1 has been amended to eliminate the proviso causing the alleged confusion.

Applicants respectfully submit that claim 1 has now overcome the objection.

CONCLUSION

In light of the foregoing, it is respectfully submitted that the present application, including claims 1-11 and 14-17, is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application. If there are any additional fees resulting from this communication, please charge the same to our Deposit Account No. 18-0160, our Order No. GEB-16075.

Respectfully submitted,
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